IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1329 of 2004

Between:

1.P.L. Narasaiah S/o Subbanna
Secretary, Chinthakommadinne Primary Agrl. Coop. Society

Chinthakommadinne village & Mandal, Cuddapah District
2.M.V. Kishore Kumar S/o Kumargupta,
Clerk cum cashier, Chinthakommadinne Primary Agrl. Coop.

Society, Chinthakommadinne Village & Mandal, Cuddapah

district

..... PETITIONERS

AND

1.The Governmet of A.P., Cooperative Department, rep by its

Secrtary, Secretariat, Hyderabad
2.The District Cooperative officer, Cuddapah, District
3.The Divisional Co-operative Officer, Cuddapaph, Cuddapah

District
4.Chinthakommadinne Primary Agrl. Co-operative society, rep by
Person incharge, Chinthakommadinne village & Mandal,

Cuddapah District

.....RESPONDENTS

WRIT PETITION NO : 1330 of 2004

Between:

Bathina Venkatesu, S/o.Subba Reddy,
Secretary,Nagireddipalli Primary Agrl., Coop.Society,Nagireddipalli
Vill,Chinthakommadinne,
Mandal,Cuddapah Dist.

..... PETITIONER

AND

1.The Govt.of A.P.Coop.Dept.rep.by its Secretary, Secretariat,

Hyderabad.
2.The Dist.Cooperative officer, Cuddapah Dist.
3.The Divisional Co-operative officer, Cuddapah,Cuddapah Dist.
4.Nagireddipallie Primary Agrl.Co-operative Society, rep.by its

person incharge,Narigeddipallie Village & Post,

Chinthakommadinne Mandal, Cuddapah Dist.

.... RESPONDENTS

WRIT PETITION NO : 1331 of 2004

Between:

1.P.Ramachandraiah, S/o Munnaiah,
Secretary, Khajipeta Agraharam Primary Agrl.Coop. Society,

Khajipeta Agraharam Village & Mandal, Cuddapah District.
2.M.Eswar Reddy, S/o Narayana Reddy,
Secretary, Khajipeta Agraharam Primary Agrl.Coop. Society,

Khajipeta Agraharam Village & Mandal, Cuddapah District.
3.K.Padmanabha Rao, S/o Venkatarao,
Khajipeta Agraharam Primary Agrl.Coop.Society, Khajipeta

Agraharam Village & Mandal, Cuddapah District.
4.C.Laxmamma, W/o Subbarayudu,
Khajipeta Agraharam Primary Agrl.Coop.Society, Khajipeta

Agraharam Village & Mandal, Cuddapah District.

..... PETITIONERS

AND

1.The Government of A.P. Cooperative Department, rep.by its

Secretary, Secretariat, Hyderabad.
2.The District Cooperative Officer, Cuddapah District.
3.The Divisional Co-operative Officer, Cuddapah, Cuddapah Dist.

4.Khajipeta Agraharam Primary Agrl.Co-operative Society, Rep.by

its Person incharge, Khajipeta Agraharam Village & Mandal,

Cuddapah District.

...RESPONDENTS

All the above petitions are filed under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavits filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings issued by the 4th respondent in RC.NO./PACS dated 5-1-2004 placing the petitioners under suspension as illegal, arbitrary and in contravention to the orders passed by the Hon'ble High Court in W.P.M.P.No.28672/03, W.P.M.P.No.30495/03 and W.P.M.P. No.31292/2003 respectively and consequently direct the 4th respondent to reinstate the petitioners into service forthwith

Counsel for the Petitioners: MR.D.PURNACHANDRA REDDY

Counsel for the Respondents 1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4: Mrs.Kavitha Gottipati

The Court made the following:

COMMON ORDER:

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

Since the issue involved in all the Writ Petitions is common, they are being disposed of by this common order.

The petitioners in the above three Writ Petitions were placed under

suspension by the 4th respondent – Primary Agricultural Cooperative Society, rep. by its Person-in-charge, for mis-appropriation of certain amounts of the society under proceedings dated 05-01-2004. Similar proceedings dated 05-01-2003 were also under challenge in W.P.Nos.781, 783 and 784 of 2004, which were dismissed by this Court on 10-02-2004. Admittedly, the said suspension orders are passed pending enquiry and finalisation of the disciplinary proceedings against them. This Court held in the said order that it is neither pleaded, urged nor demonstrated before this Court that 4th respondent is an agent or instrumentality of the State within the meaning of Article 12 of the Constitution and as such, obligated to conform the public law and constitutional injunctions. The service disputes that the petitioners have with the 4th respondent do not have a public law character warranting adjudication of such disputes by this Court under Article 226 of the Constitution of India. Accordingly held that the Writ Petitions are not maintainable.

Following the said Judgment in W.P.Nos.781, 783 & 784 of 2004, these Writ Petitions are also dismissed. However, the petitioners are at liberty to pursue their remedies before alternative form including the jurisdiction of the Civil Court. No costs.

28TH JULY 2004

BSS/CHVN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Secrtary, Government of A.P., Cooperative Department,

Secretariat, Hyderabad
2.The District Cooperative officer, Cuddapah, District
3.The Divisional Co-operative Officer, Cuddapaph, Cuddapah

District
4. The Person in charge Chinthakommadinne Primary Agrl. Co-

operative society, Chinthakommadinne village & Mandal,

Cuddapah District

5. The Person in charge,Nagireddipallie Primary Agrl.Co-operative

Society, Narigeddipallie Village & Post,

Chinthakommadinne Mandal, Cuddapah Dist

6.The Person in charge, Khajipeta Agraharam Primary Agrl.Co-

operative Society, Khajipeta Agraharam Village & Mandal,

Cuddapah District.

7.2CCs to G.P. for Cooperation, High Court Buildings, Hyderabad (OUT)

8.2CD copies

*Form-NIC-OGS/WP{**VSR**}*